

### **REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 26-47 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the Amendments and Remarks as set forth hereinbelow.

### **ABSTRACT AND SPECIFICATION CHANGES**

The abstract and the specification have been amended to correct minor typographical errors. No new matter has been added.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 26-30, 32-41 and 43-47 stand rejected under 35 U.S.C. § 102 as anticipated by Oshio et al. This rejection is respectfully traversed.

Independent claim 26 includes a combination of elements and is directed to a stereotactic device including a frame configured to be mounted onto a nasion of a subject being examined and extending frontally below the eyes of the subject to end positions of the frame that are in front of the face of the subject and outside a field of vision of the subject, and at least three fiducial markers mounted on the frame and configured to define a position of the frame with respect to the subject. Independent claim 37 includes similar features in a varying scope.

These features are supported at least by Figures 1 and 4 and page 5, line 18 and page 9, lines 10 and 11, for example. In more detail, Figures 1 and 4 illustrate a stereotactic device

including a stereotactic device including a frame 3 configured to be mounted onto a nasion of a subject being examined and extending frontally below the eyes of the subject to end positions of the frame that are in front of the face of the subject and outside a field of vision of the subject, and at least three fiducial markers 6 mounted on the frame 3 and configured to define a position of the frame 3 with respect to the subject.

On the contrary, as shown in Figs. 1A and 1B of Oshio et al., the frame member 10 is attached to a nose fitting element 12 and ear pieces 14. Column 7 lines 14-15 of Oshio et al. states, "FIG. 7 depicts a volunteer wearing the device of FIGS. 1A, 1B and 1C." Fig. 7 of Oshio et al. illustrating the device of Figs. 1A, 1B and 1C shows that the device extends frontally over the eyes of the subject and obstructs a field of vision of the subject. In addition, the office action shows that end positions of the nose fitting 12 in Oshio et al. are in front of the face of the subject, and states that the end positions are in front of the face. However, it is respectfully submitted that the end positions of the frame recited in claim 1 of the Applicants' invention are not the end positions of the nose fitting 12 in Oshio et al. As shown in Figs. 1A and 1B of Oshio et al., the frame 10 wraps around the face of the subject and thus the end positions of the frame 10 in Oshio et al. are on the side near the ears of the subject, whereas the end positions of the frame 3 in Applicants' invention are in front of the face of the subject.

Accordingly, it is respectfully submitted that independent claims 26 and 37 and each of the claims depending therefrom are allowable.

**REJECTION UNDER 35 U.S.C. § 103**

Claims 31 and 42 stand rejected under 35 U.S.C. § 103 as unpatentable over Oshiro et al. in view of Alison et al. This rejection is respectfully traversed.

It is respectfully submitted that this rejection has also been overcome as claims 31 and 42 are dependent claims and Alison et al. also does not teach or suggest the features recited in the independent claims.

**CONCLUSION**

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone David A. Bilodeau at (703) 205-8072 in the Washington, D.C. area.

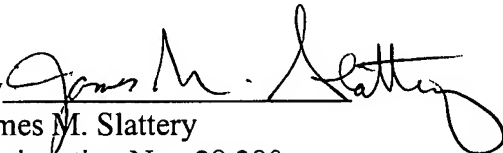
Application No.: 10/627,867  
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-1448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly extension of time fees.

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Respectfully submitted,

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Attachment: Abstract